

REMARKS

The Applicant thanks the Examiner for the consideration given the present application. Claim 15 was previously cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 1-14 and 16-22 are pending. Non-narrowing amendments have been made in dependent claims 18 and 19. All other claims remain as previously presented. Claims 1 and 17 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Request for Reconsideration / Reasons for Entry of Amendments

The Applicant respectfully submits that at least independent claims 1 and 17 and dependent claims 18-21 as previously presented are in condition for allowance, and that rejections in the latest Office Action to reject these claims are not proper and should be withdrawn. (Please refer to the arguments below)

Therefore, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the pending claims automatically place the application in condition for allowance.

Further, all of the subject matter now set forth in each of the pending claims has been fully considered and examined by the Examiner. As such, the pending claims do not raise any new issues that would warrant or require the Examiner to perform an additional search of the related art.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Examiner Interview

If, during further examination of the present application, a discussion with the Applicant's Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 4, 6, 9, 10, 12, 13, and 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over; Caprai (U.S. Patent 6,251,015) in view of Ritchie (U.S. Patent 4,637,605); and

claims 2, 5, 7, 8, 11, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Caprai and Ritchie, and further in view of Pittarelli (U.S. Patent 3,964,564).

These rejections are respectfully traversed.

Arguments Regarding Independent Claims 1 and 17 as Previously Presented

Each of independent claims 1 and 17 as previously presented recites a combination of elements directed to a riding simulation system, including *inter alia*

“a body for rotatably securing said steering handle mechanism, the body comprising a pair of left and right main frames, a centrally located main frame, and a *pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator of the simulation system*; and

a control unit for said system being mounted between said pair of left and right main frames.” (*Emphasis added*)

Independent claim 1 also recites “a control unit for said system being mounted between said pair of left and right main frames and under the centrally located main frames.”

Support for the features set forth in independent claims 1 and 17 as previously presented can be seen, for example in FIGS. 1 and 4.

First of all, it is difficult for the Applicant to understand how the Examiner can reasonably consider Ritchie to teach “*pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator of the simulation system*; and

control unit for said system being mounted between said pair of left and right main frames,” as in claims 1 and 17 as previously presented.

On page 3 of the Office Action, the Examiner has annotated FIG. A of Ritchie, and alleges that control unit 3 “is mounted between said pair control unit for said system being mounted between said pair of left and right main frames.” The Applicant respectfully disagrees with the Examiner’s position.

The Examiner is directed to enlarged, detailed versions (FIGS. 4, 9, and 10) of the Ritchie device as shown in high-level FIG. 1. It is evident from each of Ritchie’s FIGS. 1, 4, 9, and 10, that control unit 3 is NOT mounted between the pair of main frames as the Examiner alleges. As can be seen in the Examiner’s annotated FIG. 1 of Ritchie on page 11 of the Office Action (and also FIGS. 4, 9, and 10, which are enlarged views of FIG. 1), the control unit 3 is forward of the downward extending pipes (called right and left main frames by the Examiner).

As the Examiner is fully aware, the Examiner must consider a prior art reference as a whole when making a rejection, and is forbidden from randomly citing selected portions of a reference without considering the context of the entire reference. Specifically, regarding the present application, which the Examiner has rejected based on Ritchie, it is certainly not proper for the Examiner to selectively use the high level drawing of Ritchie’s FIG. 1, while ignoring Ritchie FIGS. 4, 9, and 10, each of which explicitly conflicts with the Examiner’s allegations about the structure of the Ritchie device. Thus the Examiner’s rejection of claims 1 and 17 as previously presented is not proper.

Secondary, FIGS. 1 and 4 of the present application explicitly illustrate sub-frames 54a, 54b connected to roughly central portions of the right and left main frames 52a, 52b so as to extend from the right and left main frames in a direction away from the operator of the simulation system 10, as set forth in each of independent claims 1 and 17, as previously presented.

Pipes (called sub-frames by the Examiner in annotated FIG. A) merely extend rearwardly *toward* the operator (*and NOT forwardly and away from* the operator) from a position near upper parts (rather than being connected to central portions) of the downward extending pipes.

Thus, Ritchie (in combination with Caprai) cannot possibly teach or suggest “a **pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator of the simulation system,**” as set forth in claims 1 and 17, as previously presented. *(Emphasis added)*

Therefore, independent claims 1 and 17 as previously presented are in condition for allowance.

Arguments Regarding Dependent claims 18 and 19 as Previously Presented

Each of dependent claims 18 and 19 as presented in the Amendment filed on February 5, 2008 recited “wherein a forward end of the centrally located main frame is connected to forward ends of the sub-frames.”

Then, in the Amendment filed on September 2, 2008, in view of the amendments to claims 1 and 17, dependent claims were amended to recite “wherein end of the centrally located main frame disposed farthest away from the operator is connected to a cross frame bridging between tip end portions of the sub-frames.”

Thus, dependent claims 18 and 19 as filed on September 2, 2008 depend respectively from either independent claim 1 or 17, dependent claims 18 and 19 contain all of the subject matter from the respective one of independent claim 1 and 17.

As such, each of dependent claims 18 and 19 as previously presented on September 2, 2008 recites:

“a pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator of the simulation system,” (*from independent claims 1 and 17*), and

“end of the centrally located main frame disposed farthest away from the operator is connected to a cross frame bridging between tip end portions of the sub-frames.”

Since each of dependent claims 18 and 19 contains all of the subject matter contained, respectively in independent claims 1 and 17, the Examiner will recognize that the phrases “*end* of the centrally located main frame” and “*tip end portions* of the sub-frames” set forth

in claims 18 and 19, as presented on September 2, 2008, are synonymous with the phrases “*a forward end* of the centrally located main frame” and “*forward ends*” of the sub-frames.

In the Examiner’s rejection of claims 18 and 19 on page 7 in the latest Office Action, the Examiner asserts that “Ritchie teaches, the end of the centrally located main frame is connected to a cross frame bridging between tip end portions of the sub-frames (see FIG. A, the section, i.e. back wall of the control unit where the end of the sub-frames and the end of the central frame are connected.) The Applicant disagrees.

As the Examiner knows well, independent claims 1 and 17 as previously presented recite “*pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator.*”

Therefore, since independent claims 1 and 17 as presented on September 2, 2008 recite “*pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator,*”

the subject matter of dependent claims 18 and 19 as presented on September 2, 2008, namely “*end of the centrally located main frame disposed farthest away from the operator is connected to a cross frame bridging between tip end portions of the sub-frames,*” must certainly be allowable.

Moreover, Ritchie’s “back wall of a control unit” does not teach the claimed “cross frame.”

Thus, Ritchie (in combination with Caprai) cannot possibly teach “*end of the centrally located main frame disposed farthest away from the operator is connected to a cross frame bridging between tip end portions of the sub-frames*” ... “*connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator,*” which is the subject matter set forth in dependent claims 18 and 19, as presented on September 18, 2008.

Thus, dependent claims 18 and 19, as previously presented (as well as claims 18 and 19 as amended herein) contain allowable subject matter.

Arguments Regarding Dependent claims 20 and 21 as Previously Presented

Each of dependent claims 20 and 21 as presented of September 2, 2008 recites “wherein the body further comprises a cylinder portion for receiving a steering stem, and wherein each of the right, left, and centrally located main frames has an upper end connected to the cylindrical portion.”

Support for the separately claimed elements, cylinder portion 44 and centrally located main frame 52c, can be seen in FIGS. 1-3.

In the rejection of claims 20 and 21, on page 8 of the Office Action, referring to FIG. A, the Examiner asserts that the claimed “cylinder portion 44” and the “centrally located main frame has an upper end connected to the cylinder portion 44” are taught by the “cylinder shaft / head pipe” of Ritchie.

The Applicant respectfully submits that, at best, Ritchie teaches only one of the claimed "cylinder portion 44", and the claimed "centrally located main 52c frame has an upper end connected to the cylinder portion 44."

Therefore, dependent claims 20 and 21 as previously presented contain allowable subject matter.

Arguments Regarding Dependent Claim 22 Previously Presented

As pointed out in the Amendment dated September 2, 2008, the Applicant amended independent claim 1 to set forth a combination of features of the invention, and added dependent claim 22 merely to set forth subject matter deleted from independent claim 17.

Therefore dependent claim 22 as presented on September 2, 2008 includes

all of the subject matter of independent claim 1, ...and also...

"wherein said pair of left and right main frames is adapted to be secured to one side of the elevated mounting surface, and said centrally located main frame is adapted to be secured to an opposite side of the elevated mounting surface."

See FIG. 4 of the present application for support.

In the Office Action dated June 16, 2008, in rejecting independent claim 17, the Examiner argued on pages 6 and 7 that *"The court found that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art."*

Responding to this point made by the Examiner, in the Amendment dated September 2, 2008, Applicant argued that left and right main frames and the centrally located main

frame, as claimed, are NOT ornamentation only, and instead, have a specific mechanical function, as set forth in the claim 22.

Therefore, the combination of Caprai and Ritchie fails to teach or suggest the combination of elements as set forth in dependent claim 22 as presented on September 2, 2008.

Now in the latest Office Action, the Examiner does not repeat his positions on pages 6 and 7 of the Office Action dated June 16, 2008, and instead asserts that the single “forwardly extending mount 22” and the single “L-shaped leg 28” of Caprai (in combination with Ritchie) teaches the combination of elements set forth in dependent claim 22 as previously presented.

In the rejection of claim 22, the Examiner must consider the entire contents of dependent claim 22 when making the rejection. It appears that the Examiner has failed to do so.

For example, in contrast to the invention of claim 22, Caprai merely discloses the “forwardly extending mount 22” and the single “L-shaped leg 28” (see Caprai FIG. 2 and column 1). Elements 22, 28 of Caprai do not teach “the body comprising a pair of left and right main frames, a centrally located main frame, and a pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator of the simulation system.”

As for Ritchie, as can be seen in FIGS. 1 and 4, this document merely discloses

- 1) steering shaft entering the top of the control box 3 or extending along a rear surface of the control box 3, and
- 2) right and left forks extending along a rear side of the control box, and
- 3) pipes extending rearwardly from a rear side of the control box in a direction toward the operator.

Thus, Ritchie cannot make up for the deficiency of Caprai to reject dependent claim 22 as previously presented.

Moreover, once again, the Applicant respectfully submits that left and right main frames and the centrally located main frame, as claimed, are NOT ornamentation only, and instead, have a specific mechanical function, as set forth in the claim 22.

Therefore, dependent claim 22 as previously presented contains allowable subject matter.

All pending claims are now believed to be in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

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Reply dated March 30, 2009 (Monday)
Reply to Office Action of December 29, 2008

Docket No. 0505-1268P
Art Unit: 3709
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CONCLUSION

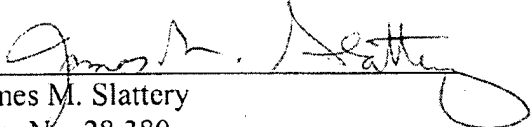
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,
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